



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,107	08/07/2003	Craig Wilson	380201.91349	9129
26710	7590	11/16/2006	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			MCDONALD, SHANTESE L	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/636,107

Applicant(s)

WILSON ET AL.

Examiner

Shantese L. McDonald

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1,3-11,13-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-11,13-15,18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 15 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeske in view of Leibowitz.

Jeske et al. teaches a hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position, and wherein the working edge of the first lever member includes a first cutting blade section, 18, and the working edge of the second lever member includes a second cutting blade section, 19,

Art Unit: 3723

aligned with the first cutting blade, wherein the first and second cutting blade sections each define a plurality of serrations, 40, 41, such that the serrations of the first cutting blade section of the first lever member are aligned with the serrations of the second cutting blade section of the second member, and wherein the first and second cutting blade sections, 34,35, each taper from their working edge in at least two oblique angles with respect to the working edges, (fig. 2), a spring, 20, which biases the handles apart, (col. 3, lines 30-31), and the tip of each jaw comprising a inwardly toothed section, 40,41. Jenske teaches all the limitations of the claims except for the first and second cutting blade sections defining two distinct cutting planes, wherein the first and second cutting blade sections define a first acute angle surface adjacent the working edge and a second acute angle surface of an angle greater than the first surface and spaced from the working edge by the first surface, the first surface angles from the inside of the working edge at about 15 degrees, and the second surface angle from the first surface about 45 degrees, the first surface extending approximately 0.03 inches from the inside of the working edge to the second surface. Leibowitz teaches first and second cutting blade sections defining two distinct cutting planes, wherein the first and second cutting blade sections define a first acute angle surface adjacent the working edge and a second acute angle surface of an angle greater than the first surface and spaced from the working edge by the first surface, (fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wire stripper of Jenske with the blades, as taught by Leibowitz, in order to enhance the strippers cutting abilities. It would have been further obvious to have provided the stripper of Jenske

with the first surface angles from the inside of the working edge at about 15 degrees, and the second surface angle from the first surface about 45 degrees, the first surface extending approximately 0.03 inches from the inside of the working edge to the second surface, since it has been held that where the general conditions of a claim are disclosed in the prior art discovering an optimum or workable range involves only routine skill in the art.

Claims 11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeske in view of Gomas.

Jeske et al. teaches a hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position. Jeske et al. teaches all the limitations of the claims except for each elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line, and the forward grips being concave opening in a direction away from the centerline, and the forward grips being defined by radii within a range of approximately 1 to 2 inches. Gomas teaches an elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line, (fig. 1), the forward grips being concave in a direction

Art Unit: 3723

away from a centerline, (the forward grip which is the area located between the outward extension, 8A, and element 7A, in fig. 1, does have a component, the curve, which is considered to be concave in a direction away from the centerline), wherein the rear grip of the handle of the first lever, 11A, is generally concave opening toward a centerline, and where the rear grip of the handle of the second lever member, 11B, has a first segment, (the curved area of fig.1, located between elements, 8B and 9B), adjacent the outward extension tat is concave away from the centerline and a second segment, 3B, adjacent the first segment that is concave toward the centerline. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Jeske et al. with the grips as taught by Gomas, since both tools teach handle grips, and to enhance the gripping capabilities of the user. It would have been further obvious to have the radii of the forward grips to be within a range of approximately 1 to 2 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenke as modified by Gomas as applied to claims 11, 13 and 14 above, and further in view of Lu.

Jeske as modified by Gomas teaches all the limitations of the claims except for each of the rear grips defining at least one raised projection on an outer portion thereof adjacent the outward extensions. Lu teaches at least one raised

Art Unit: 3723

projection, 12, (fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the grips of Jeske as modified by Gomas with the raised projections, as taught by Lu, in order to enhance the gripping capabilities.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3-11,13-15 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.  
November 13, 2006



Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700